



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

September 6, 1996

Ms. Lan P. Nguyen
Assistant City Attorney
City of Houston Legal Department
P.O. Box 1562
Houston, Texas 77251-1562

OR96-1610

Dear Ms. Nguyen:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 39283.¹

The City of Houston (the "city") received a request for several categories of information regarding the privatization of Houston's municipal golf courses by the Parks and Recreation Department. You claim that the requested information is excepted from disclosure under section 552.101 of the Government Code. We have considered the exception you claimed and have reviewed the documents at issue.²

Section 552.101 excepts "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." Section 552.101 encompasses both common-law and constitutional privacy. For information to be protected from public disclosure under the common-law right of privacy, the information must meet the criteria set out in *Industrial Foundation v. Texas Industrial Accident Board*, 540 S.W.2d 668 (Tex. 1976), *cert. denied*, 430 U.S. 931 (1977). The court stated that

information . . . is excepted from mandatory disclosure under Section 3(a)(1) as information deemed confidential by law if (1) the information contains highly intimate or embarrassing facts the publication of which would be highly

¹ We note that this request was originally assigned ID# 37928. However, we severed the documents for which an exception under section 552.110 of the Government Code was asserted and assigned that portion of the request ID# 39283.

² Pursuant to section 552.305 of the Government Code, this office informed the companies and individuals involved of the request and of their obligation to submit to this office their arguments as to why any claimed exceptions to disclosure apply to the requested information. None of the companies or individuals responded.

objectionable to a reasonable person, and (2) the information is not of legitimate concern to the public.

540 S.W.2d at 685; Open Records Decision No. 142 (1976) at 4 (construing statutory predecessor to Gov't Code § 552.101). This office has found that personal financial information not relating to the financial transaction between an individual and a governmental body, is protected from disclosure by common-law privacy. Open Records Decision Nos. 600 (1992), 545 (1990). We have reviewed the documents submitted for our consideration as Exhibit 3 and have marked the information that must be withheld under constitutional or common-law privacy.³ The city may not withhold the remainder of the information in Exhibit 3.⁴

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



Stacy E. Sallee
Assistant Attorney General
Open Records Division

SES/ch

Ref.: ID# 39283

Enclosures: Marked documents

³ In previous correspondence to this office, the city withdrew its request with regard to the information in Exhibit 4. We return those documents to you by copy of this letter ruling.

⁴ It appears that the information we have marked relates to individuals. Corporations do not have a right to privacy. See Open Records Decision No. 192 (1978). The right of privacy is intended to protect the feelings and sensibilities of human beings; it does not protect information about private corporations. Open Records Decision No. 624 (1994) and authorities cited therein. To the extent that any of the requested information pertains to a corporation, it is not protected from required public disclosure by privacy.

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